IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8684 of 1995

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT BOTTLING CO LTD

Versus

RATILAL J MISTRY {DECEASED}

Appearance:

1. Special Civil Application No. 8684 of 1995

MR MB BUCH for Petitioner No. 1

..... for Respondent No. 1

Mr. H.N. Acharya for MR GM JOSHI

for Respondent No. 1/1-1/4

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 12/11/2003

ORAL JUDGEMENT

Heard learned advocate Mr. M.B. Buch for the petitioner and Mr. Acharya for Mr.G.M.Joshi for the respondents. In this petition, the petitioner has challenged the award made by the Labour Court, Surendranagar in Reference (L.C.S.) No. 177 of 1991 dated 30th June, 1994 wherein the labour court, Surendranagar has set aside the order of termination and has granted reinstatement with continuity of service with full back wages for the intervening period.

During the pendency of the present petition before this court, the respondent workman died on 30th September, 1999 and, thereafter, as per the orders passed by this Court in the Civil Application No. 7823 of 2001 which was filed by the heirs and legal representatives of the deceased respondent workman, the heirs and legal representatives of the deceased respondent workman have been brought on record.

Today, when the matter was taken up for final hearing, both the learned advocates have jointly produced on record the xerox copy of the 2(P) Settlement dated 21st October, 2003 arrived at between the parties to the present proceedings out side the Court and have submitted that the award made by the labour court, Surendranagar may be modified in terms of the said settlement. It was submitted by the learned advocate Mr. Buch that the said settlement is petitioner fully in favour of the respondents - heirs and legal representatives of the deceased respondent workman and the necessary receipts have also been annexed to the said settlement dated 21st October, 2003. Said settlement dated 21st October, 2003 along with the annexures thereto is ordered to be taken on the record of this petition.

Considering the terms and conditions of the said settlement and also in view of the fact that the respondent workman has died on 30th September, 1999, this settlement being just and proper, the award made by the labour court, Surendranagar in aforesaid reference is required to be modified in terms of this settlement.

Therefore, the award made by the Labour Court, Surendranagar in Reference (L.C.S.) No. 177 of 1991 dated 30th June, 1994 is hereby modified in terms of the settlement under section 2(P) of the ID Act, 1947 dated 21st October, 2003 arrived at between the parties out side the court. Said settlement is binding to both the parties and they have to implement the same. With these observations and directions, this petition is disposed of. Rule is made absolute in terms of the settlement

dated 21st October, 2003. There shall be no order as to costs.

Dt.12.11.2003. (H.K. Rathod,J.)

Vyas